

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 22, 2000

DIVISION TWO

B130073 People (Not for Publication)
v.
Guillermo Gonzalez

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B130869 Los Angeles County, D.C.F.S. (Not for Publication)
v.
In re Brandon R.

We affirm the findings of the juvenile court.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO

B125769 People (Certified for Publication)
v.
Frederick Gaio, Jr., et al.

The judgments are affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
Mallano, J. (Assigned)

DIVISION THREE

[illegible]

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B132252 People (Not for Publication)
v.
Good

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B127872 People (Not for Publication)
v.
Barnes

The order striking 14 of Barnes' prior serious violent felony convictions in furtherance of justice pursuant to Penal Code section 1385, subdivision (a) and the sentence imposed are vacated. The matter is remanded to the trial court to permit Barnes to withdraw plea, and for further proceedings in accordance with the views expressed in this opinion.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B131953 People (Not for Publication)
v.
Thomas H.

The matter is remanded for a declaration by the juvenile court as to whether the offense of second degree burglary (Pen. Code, 459) is a misdemeanor or felony. In all other respects, the order continuing wardship is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B130304 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

[illegible]

The judgment in case No. VA052185, and the order revoking Yate's probation in case No. VA046514, are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B124729 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Aldrich, J.

I concur: Kitching, J.
I dissent: Klein, P.J. (Opinion)

DIVISION THREE (Continued)

B122630 Rachel Ferrara (Not for Publication)

v.

The Time Inc. Magazine Company et al.

The judgment is affirmed. Each party to bear their own costs.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B135370 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Manuel M.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

B128635 Kevin C. Waterman (Not for Publication)

v.

Carlton Communications/Technicolor et al.

The judgment is affirmed. Each party to bear their own costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
Kitching, J.

DIVISION THREE (Continued)

B120032 William L. Burdette et al. (Certified for Publication)
v.
Gloria Grace Burdette, II
Estate of Robert Starr Burdette

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

B128181 Carol Breslow (Not for Publication)
B130994 v.
7-11 Store; Southland Corp.

The order in case No. B130994 purporting to vacate the trial court's previous order dismissing all Doe defendants and permitting the Bergs to be served either as Doe defendants or as the "7-11 Store" is reversed and the matter is remanded with directions to enter a new and different order denying plaintiff's motion for such relief and to conduct such further proceedings as may be required in any pending matters which are consistent with the views expressed herein. The stay of proceedings in the trial court shall be lifted as of the date of the filing of our remittitur herein. The appeal from the order in case No. B128181 is dismissed pursuant to the stipulation of the parties in open court. Southland shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B129132 Joe Avalos (Not for Publication)
v.
Ray Andrews Ford et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B134264 People v. Benton
B135320 People v. King
B134513 People v. Iribé
B132838 People v. Robinett
B132400 People v. Serrano

Argument waived, cause submitted.

B136579 Los Angeles County, D.C.F.S.
v.
Norma E.

Merits:
Argued by Melissa Chaitin for appellant and by Michelle Ben-Hur for respondent. Cause submitted.

DIVISION FOUR (Continued)

B132761 Dorn
 v.
 Dorn

Merits:
Argued by Daniel McMeekin for appellant and by John R. Ziska for respondent. Cause submitted.

B139794 Nakamura
 v.
 Superior Court, Los Angeles County
 (Orona and Vallejo, r.p.i.)

Merits:
Argued by Timothy E. Kearns for petitioner and by Terrance Ponchak for real party in interest. Cause submitted.

B130187 McDonald
 v.
 Piatt

Merits:
Argued by Michael S. McDonald for appellant and by no appearance for respondent. Cause submitted.

B137562 Rucker
 v.
 Workers Compensation Appeals Board

Merits:
Argued by Fred L. Fong for petitioner and by Jay Harris for respondent. Cause submitted.

DIVISION FOUR (Continued)

B128359 People
 v.
 Glee

Merits:
Argued by Kyle Marie Wesendorf for appellant and by Teresa Torreblanca for respondent. Cause submitted.

B114456 People
 v.
 Guzman

Merits:
Argued by Nancy Gaynor and Carol K. Lysaght for appellant and by Rama R. Maline for respondent. Cause submitted.

B125410 McLaughlin
 v.
 McLaughlin

Merits:
Argued by Thomas Trent Lewis for appellant and by Robert K. Holmes for respondent. Cause submitted.

B139437 County Line Claim Services
 v.
 S.C.L.A.
 Chu

Merits:
Argued by David K. Dorenfeld for petitioner and by Albert Passaretti for real party in interest. Cause submitted.

DIVISION FOUR (Continued)

B128377 Alan
 v.
 American Honda Motor Co.

Merits:
Argued by John A. Schlaff for appellant and by Anthony E. Sonnett for respondent. Cause submitted.

B137034 In re Jose Salazar
 on Habeas Corpus

Merits:
Argued by Gail Harper for petitioner and by Michael J. Wise for respondent. Cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B134055 People
 v.
 Wanamaker

Merits:
Argued by Lance A. Russell for appellant and by Jaime L. Fuster, deputy attorney general, for respondent. Cause submitted.

B130953 United Grand Corporation
 v.
 Torrance Memorial Medical Center

Merits:
Argued by Douglas S. Draper for appellant and by George L. Hampton IV for respondent. Cause submitted.

DIVISION FOUR (Continued)

B131477 Camp
 v.
 Camp

Merits:
Argued by John F. Bannon for appellant and by Paul S. Petterson for respondent. Cause submitted.

B123194 Freis
 v.
 Soboroff et al.

Merits:
Argued by Robert D. Belshaw for appellant and by Dion O'Connell, deputy city attorney, for respondent City of Los Angeles. Cause submitted.

B117017 Ash
 v.
 Ash

Merits:
Argued by Hiram Ash, appellant in propria persona and argument having been waived by respondent. Cause submitted.

B131278 Hayes
 v.
 California Commerce Club, Inc.

Merits:
Argued by Philip D. Dapeer for appellant and by Stephanie B. McNutt for respondent. Cause submitted.

DIVISION FOUR (Continued)

B136101 Hill
v.
Younger Optics et al.

Merits:
Argued by Daniel C. Carmichael for appellant and by David H. Dicker for respondents. Cause submitted.

B126504 Shvarts and Holtz
v.
Budget Group, Inc.

Merits:
Argued by Arthur J. Friedman for appellants and by Dean J. Kitchens for respondent. Cause submitted.

Each of the following:

B132504 People v. Vincent L.
B126442 People v. Gutierrez and Reynoso
B133365 People v. Epps
B136841 Epps on Habeas Corpus
B131425 People v. Barrett
B131755 People v. Robinson
B137105 D.C.F.S. v. Warren W.
B108905 Sheldon v. Levitansky et al.

Argument waived, cause submitted.

Court Adjourned.

DIVISION FIVE

B136863 People (Not for Publication)
v.
Broderick Lee A.

The Welfare and Institutions Code section 602 order of wardship is modified to reflect that the minor committed the offense of attempted concealment of evidence in violation of Penal Code section 135. The cause is remanded to allow the juvenile court to determine whether to treat the firearm possession charge as a felony or a misdemeanor and to recalculate the maximum period of physical confinement as required by Welfare and Institutions Code section 726. The wardship order is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B136226 People (Not for Publication)
v.
Gaines

The judgment is modified to reflect 235 days of presentence credit consisting of 157 days of actual custody plus 78 days of conduct credit. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B131498 People (Not for Publication)
v.
Wazenegger

The judgment of conviction is affirmed.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

[illegible]

The judgment is modified to reflect the imposition of a parole restitution fine in the amount of \$200 pursuant to Penal Code section 1202.45. The clerk of the superior court is directed to modify the abstract of judgment to reflect imposition of this fine, and is then directed to forward the corrected amended abstract of judgment to the Department of Corrections. The judgment is affirmed in all other respects.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

B135233 People (Not for Publication)
v.
Rugama

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

June 22, 2000-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B133673 People (Not for Publication)
v.
Lee

The abstract of judgment does not reflect the court's imposition of sentence on count 4. The trial court is directed to amend the abstract of judgment to reflect the concurrent sentence imposed on that count and that the sentence is stayed pursuant to section 654. A certified copy of the amended abstract shall then be forwarded to the Department of Corrections. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B133355 People (Not for Publication)
v.
Howell

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (Continued)

B137452 People
v.
Morris

(Not for Publication)

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B138794 People (Not for Publication)
v.
Deltour

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

June 22, 2000-Continued

DIVISION SIX (Continued)

B133975 People (Not for Publication)
v.
Lewis

The order of commitment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B133449 People (Not for Publication)
v.
Byrd

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B112148 People (Not for Publication)
v.
Murphy

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.